IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE TWENTYSEVENTH DAY OF JULY

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.16775 OF 2005

Between:

The Lam Merymatha Harijana Quarry

Workers Labour Contract Co-operative

Society Ltd., rep.by its President:

Mr.Rayapudi Charles, Tadikonda Mandal,

Guntur district. … Petitioner

Versus

The Principal Secretary, Mines & Geology,

Hyderabad & Ors. … Respondents

O R D E R :

This writ petition is filed by the petitioner-society; namely, the Lam Merymatha Harijana Quarry Workers' Labour Contract Co-operative Society Limited, registered under the provisions of Co-operative Societies Act, questioning the action of the respondents in not considering its application dated 23-5-2005 seeking grant of quarrying lease on the land in survey no.199/A and 199/B at Lam village of

Tadikonda Revenue Mandal, Guntur district, as wholly illegal, arbitrary and unconstitutional and consequently direct the respondents to consider the same forthwith.

The case of the petitioner-society is that it consists of more than hundred members, belonging to Harijan community and all of them belong to traditional stonecutters.

The main grievance of the petitioner-society is that basing on the availability of land in the area, the petitioner-society submitted an application along with Demand Draft for the requisite fee to the second respondent on 23-5-2005 but after a lapse of two months, the second respondent did not pass any order pursuant to the application of the petitioner-society. Since the application of the petitioner-society is not considered by the second respondent, the members of the petitioner-society are suffering great hardship to sustain themselves.

The AP Minor Mineral Concession Rules 1966 deals with grant of lease for stone cutting. Rule 12 of the said Rule deals with consideration of applications for grant of quarrying lease.

It is contended by the learned counsel for the petitioner-society that under Rule 12 (2) of the said Rules enunciate that first preference is required to be given for grant of lease to Government Departments, Corporations and Companies etc., second preference is required to be given for grant of lease to Co-operative societies, third preference is required to be given for unemployed and fourth preference to other persons. Apart from that further preference should be given to the locals, belonging to the same native place. Incidentally, the members of the petitioner society are

traditional stonecutters and belong to the Lam village and it is a recognized co-operative society under the statutory provisions of law, therefore, they are entitled to be considered for grant of lease on par with other co-operative societies. Further there is a society; namely, Lam Labour Contract Co-operative Society Limited, who are granted lease for stone cutting in an extent of Acs:18-00 from out of Acs:199-00 of land and since there is still vast area of land available for quarrying.

Considering the facts and circumstances of the case, without going into merits or otherwise, I deem it appropriate to direct the second respondent to consider and dispose of the application dated 23-5-2005 submitted by the petitioner and pass appropriate order on merits and in accordance with law, within two weeks from the date of receipt of a copy of this order, after giving reasonable opportunity of hearing the petitioner-society.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

JULY 27th, 2005. ----------

I S L. ELIPE DHARMA RAO , J.